

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 37-21357
Date Received: 10/25/2004
Receipt No: 5027134
Received By: UH

#25

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

MARIANNE HOFSTETTER Phone: (208)788-2813

19185 HWY 20
PICABO ID USA 83348

WALTER J HOFSTETTER Phone: (208)788-2813

19185 HWY 20
PICABO ID USA 83348

2. Date of Priority: 03/04/1910

3. Source: SILVER CREEK , SILVER CREEK Trib. to: LITTLE WOOD RIVER , LITTLE WOOD RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
02S	20E	1	SE NE NE 1	BLAINE	Ending Point
02S	20E	1	SE NE NW 3	BLAINE	Beginning Point

5. Description of diverting works:

NON-DIVERTED STOCKWATER

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
STOCKWATER	01/01	12/31	0.02	

7. Total Quantity Appropriated is:
0.02 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:
Number of other uses: 100

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
02S	20E	1	NE	NW	3	STOCKWATER
			NE	NE	1	STOCKWATER
			NW	NE	2	STOCKWATER
			SW	NE		STOCKWATER
			SE	NE		STOCKWATER

11. Place of use in counties: BLAINE

12. Do you own the property listed above as place of use? Yes

13. Other Water Rights Used:

14. Remarks:

INSTREAM STOCKWATER FOR APPROX 100 HEAD OF CATTLE.

15. Basis of Claim: Beneficial Use

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLSIN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Identification No. 37-21357
Date Received 10-25-04 UA
Receipt Number 5027134
85NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW
For Domestic and/or Stockwater Purposes
Where Daily Use is less than 13,000 gallons per day.RECEIVED
OCT 25 2004
Department of Water Resources
Southern RegionFiling Fee \$25

Please type or print clearly

1. Name of Claimant (s) Walter J. or Marianne Hofstetter Phone (208) 788-2813
Mailing Address 19185 US Hwy 20 Pocatello, Id. Zip 83348
2. Date of Priority (Only one per claim) 03/04/1910 Month/Day/Year
3. Source of water supply (Check one) () Groundwater or Other () (a) Silver Creek
which is tributary to (b) Little Wood River Name or kind of source
4. Location of point of diversion is: Township 2S Range 20E
Section 1, SE 1/4 of NE 1/4 of NW 1/4, Govt. Lot 3, BM.,
County of Blaine Beginning instream
Additional points of diversion if any: Ending instream: SE NE NE S1 T2SR20E (Lot 1)
5. Description of existing diversion works (Ditches, Wells, Pumps, Pipelines, Headgate Etc.), including the dates of any changes or enlargements in use, the dimensions of the diversion works as constructed and as enlarged and the depth of each well. Non-diverted stockwater
6. Water is claimed for the following: (limited to Domestic and/or Stockwater only. See Instructions.)
For Stock Water purposes from 1/1 Month/Day to 12/31 Month/Day amount 0.02 (cfs)
(Both dates are inclusive)
For _____ purposes from _____ to _____ amount _____
7. Total quantity claimed 0.02 (cfs)
8. Total consumptive use claimed is de minimus
9. Non-irrigation uses. Describe fully. (Domestic: give number of households served if single ownership; Stockwater: Type and Number of livestock) approx. 120 cattle

COPY

10. Place of use is: Township: 25 Range 20E

Section 1, .NE 1/4 of 1/4 1/4, Govt. Lot 3, B.M.,

for (Circle One) Domestic Stock Domestic and Stock

Additional places of use, if any NEVE (Lot 1), NWN (Lot 2), SWNE, SE, NE

11. In which county (ies) are lands listed above as place of use located? Blaine

12. Do you own the property listed above as place of use? Yes X No

If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.
() None or

14. Remarks: _____

15. Basis of Claim (Circle One) Beneficial Use Posted Notice License Permit Decree

Court _____ Decree Date _____ Plaintiff vs Defendant

If applicable provide IDWR Water Right Number 5804

16. Signature (s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understood the form entitled "How you will receive notice in the Snake River Basin Adjudication". (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of Attachments _____

☒ For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) Marianne Hofstetter Date 10/22/2004

Date _____

For Organizations: I do solemnly swear or affirm that I am _____.

of _____, that I have signed the foregoing

Organization _____, that I have signed the foregoing
document in the space below as _____ of _____

[illegible]

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____ Date _____

Title and Organization _____

* State of Idaho ~~for~~ _____)

County of Blaine) SS.

NOTARIZATION REQUIRED FOR EACH CLAIM

Subscribed and sworn to (and signed) before me this 29th day of October 2004

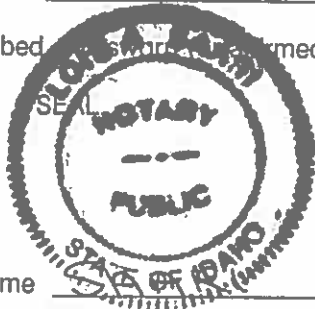
Notary Public [Signature] A. Saeed

Residing at Houley

My Commission Expires 08-6-09

Last Name DEB Ident No. 6071

Copies: White-State, Yellow-Claimant



COPY



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

October 26, 2004

Walter J. or Marianne Hofstetter
19185 Highway 20
Picabo, Idaho 83348

RE: Snake River Basin Adjudication (SRBA)
New Claim No.: 37-21357

Dear Claimants,

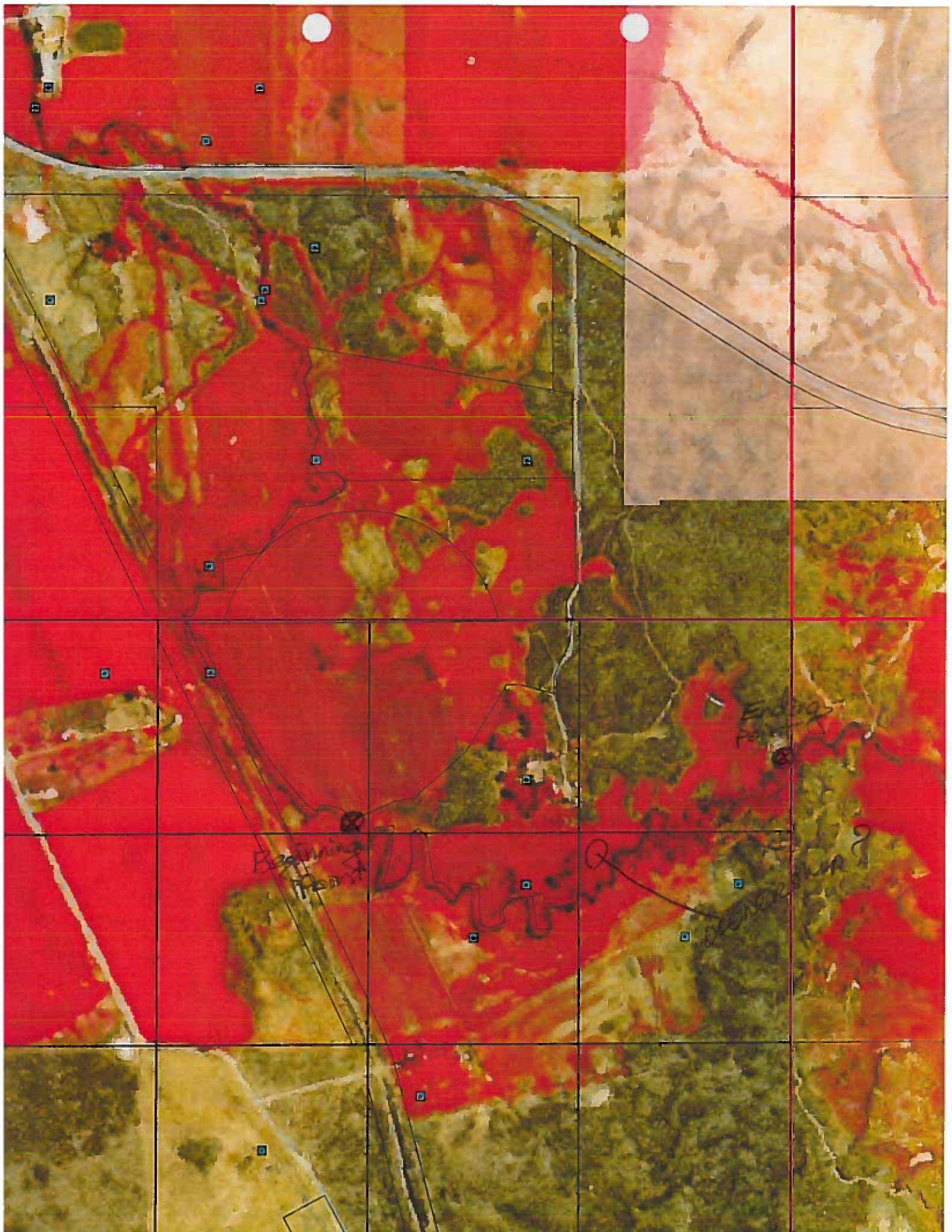
Enclosed is a copy of your new claim for instream stockwater use. Please review the document for any data entry errors and let me know of any corrections necessary.

This new claim will be included in our future Basin 37 Director's Report to the Court. The investigation of these claims, and the subsequent issuance of the Director's Report for this basin, is not scheduled to begin until next year. At that time, you may be contacted for additional information that will help us correctly describe your water right decree.

Don't hesitate to contact the Department with any questions regarding this or any other SRBA claims.

Sincerely,

Vikie Hancock
Sr. Water Resource Agent
Southern Regional Office, Twin Falls



RECEIVED
NOV 01 2004
Department of Water Resources
Southern Region

October 28, 2004

Vikie Hancock
Department of Water Resources
1341 Fillmore Street, Suite 200
Twin Falls, Idaho 83301-3380

RE: New Claim No: 37-21357

Dear Vikie Hancock,

Thank you for your letter of October 26, 2004.

1. No 13 of claim is blank: See enclosed form for
Water-Right 37-11369

2. Priority date:

This place has an irrigation right as early as Nov 1, 1885 No.:A37-00088A
I was unable to find any proof of domestic water right before

03/04/1910, License No. 5804

This license deals with domestic water right.(not stock water right).
The first pump for domestic water was installed in 1961. See enclosed form.

Please correct if necessary.

Sincerely,

Marianne Hofstetter
Marianne Hofstetter
19185 US Hwy 20
Picabo Idaho, 83348

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 37-11369

RECEIVED

NOV 01 2004

Department of Water Resources
Southern Region

NAME AND ADDRESS: MARIANNE HOFSTETTER
WALTER J HOFSTETTER
19185 HWY 20
PICABO, ID 83348

SOURCE: GROUNDWATER

QUANTITY: 0.06 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.

PRIORITY DATE: 09/25/1961

POINT OF DIVERSION: T02S R20E S01 LOT 02 (SEWNNE) Within Blaine County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Domestic 1 HOME	01-01 TO 12-31	0.04 CFS
	Stockwater	01-01 TO 12-31	0.02 CFS

PLACE OF USE: Stockwater Within Blaine County
T02S R20E S01 LOT 02 (NWNE)

Domestic Within Blaine County
T02S R20E S01 LOT 02 (NWNE)

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.
THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

Roger Burdick

Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication

01/26/2007

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 37-21357

NAME AND ADDRESS: MARIANNE HOFSTETTER
19185 HWY 20
PICABO ID 83348

WALTER J HOFSTETTER
19185 HWY 20
PICABO ID 83348

SOURCE: SILVER CREEK

TRIBUTARY: LITTLE WOOD RIVER

QUANTITY: 0.020 CFS

The quantity of water under this right shall not exceed 13,000 gallons per day.

PRIORITY DATE: 03/04/1910

POINT OF DIVERSION:

T02S R20E S1 SENENE Lot 1 End of Stream Flow Within BLAINE County

T02S R20E S1 SENENW Lot 3 Begin of Stream Flow Within BLAINE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

STOCKWATER

01/01 12/31

0.020 CFS

PLACE OF USE:

STOCKWATER in BLAINE County

T02S R20E S01 Lot 1 NENE

T02S R20E S01

NWNE

T02S R20E S01 SWNE

T02S R20E S01

SENE

T02S R20E S01 Lot 3 NENW

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

The quantity of water decreed for this water right is not a determination of historical beneficial use.

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

INSTREAM STOCKWATER FOR APPROX 100 HEAD OF CATTLE.

- ⊙ Point of Diversion
- Place of Use
- GCDB
- Section Lines
- Township Boundaries



GIS Place of Use Presentation
Photography: 2004 NAIP
Data Entry: 01/26/2006
T. D. Baker

01/26/2007

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 37-21357

NAME AND ADDRESS: MARIANNE HOFSTETTER
19185 HWY 20
PICABO ID 83348

WALTER J HOFSTETTER
19185 HWY 20
PICABO ID 83348

SOURCE: SILVER CREEK

TRIBUTARY: LITTLE WOOD RIVER

QUANTITY: 0.020 CFS

The quantity of water under this right shall not exceed 13,000 gallons per day.

PRIORITY DATE: 03/04/1910

POINT OF DIVERSION:

T02S R20E S1 SENENE Lot 1 End of Stream Flow Within BLAINE County

T02S R20E S1 SENENW Lot 3 Begin of Stream Flow Within BLAINE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

STOCKWATER

01/01 12/31

0.020 CFS

PLACE OF USE: STOCKWATER in BLAINE County

T02S R20E S01 Lot 1 NENE

T02S R20E S01

NWNE

T02S R20E S01 SWNE

T02S R20E S01

SENE

T02S R20E S01 Lot 3 NENW

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

The quantity of water decreed for this water right is not a determination of historical beneficial use.

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

INSTREAM STOCKWATER FOR APPROX 100 HEAD OF CATTLE.

Idaho Department of Water Resources

37-21357



Legend

- Point of Diversion
- Place of Use
- GCDB
- Section Lines
- Township Boundaries

528 0 528 Feet



GIS Place of Use Presentation
Photography: 2004 NAIP
Data Entry: 01/26/2006
T. D. Baker

12/21/2006

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 37-21357
NAME AND ADDRESS: MARIANNE HOFSTETTER
19185 HWY 20
PICABO ID 83348
WALTER J HOFSTETTER
19185 HWY 20
PICABO ID 83348

VERIFIED BY KKC

*Superceded
1-26-07*

SOURCE: SILVER CREEK TRIBUTARY: LITTLE WOOD RIVER
QUANTITY: 0.020 CFS
The quantity of water under this right shall not exceed 13,000 gallons per day.

PRIORITY DATE: 03/04/1910

POINT OF DIVERSION:

T02S R20E S1 SENENE Lot 1 End of Stream Flow Within BLAINE County
T02S R20E S1 SENENW Lot 3 Begin of Stream Flow Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	01/01 12/31	0.020 CFS

PLACE OF USE: STOCKWATER in BLAINE County

T02S R20E S01 Lot 1 NENE	T02S R20E S01	SWNE
T02S R20E S01 Lot 3 NENW		

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

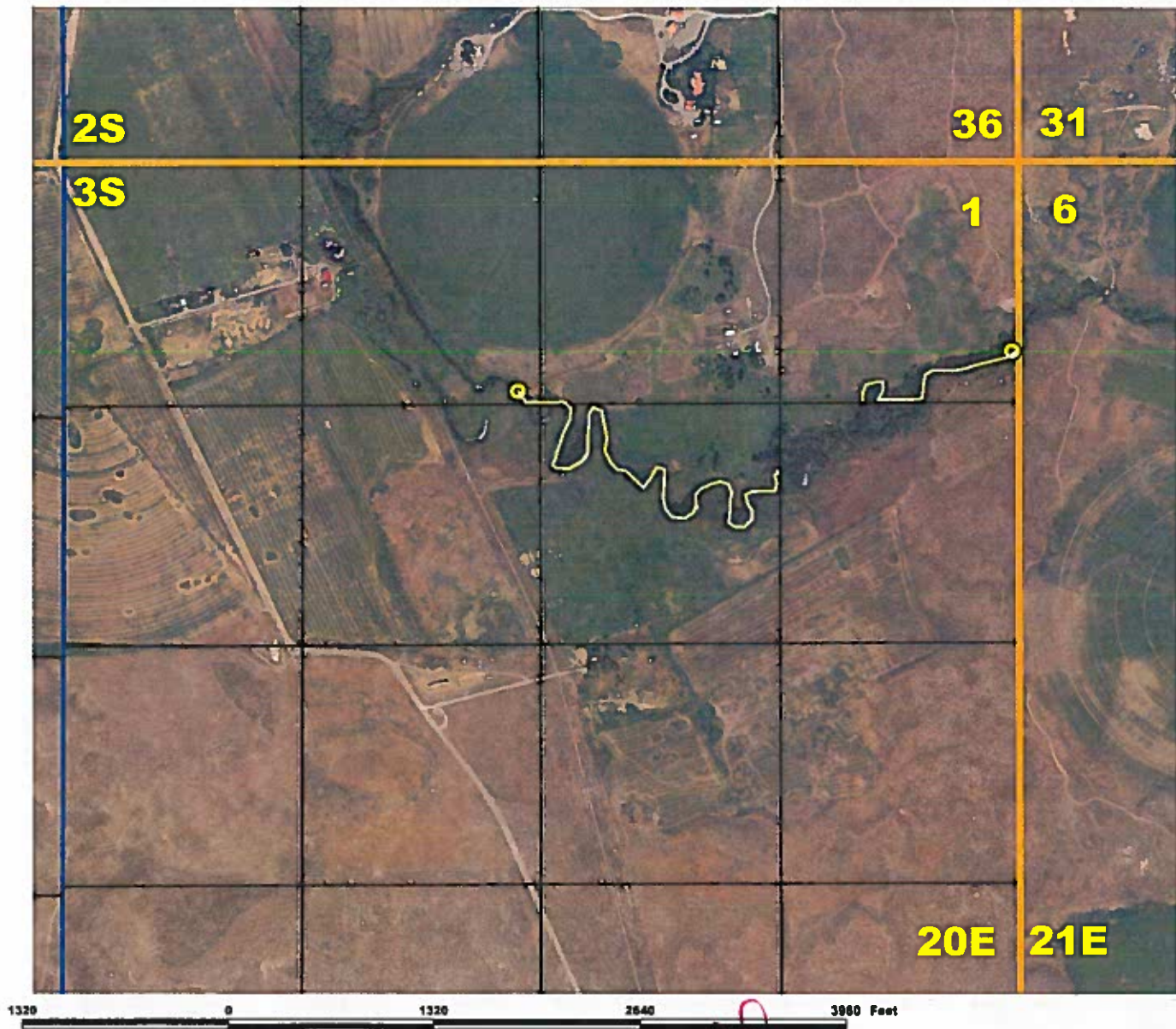
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This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

INSTREAM STOCKWATER FOR APPROX 100 HEAD OF CATTLE.

RECOMMENDED PLACE OF USE FOR 37-21357



PLACE OF USE
TWP 2S, RNG 20E, SEC 1
Data entry on December 21, 2006

*Supersceded
1-26-07*

-  **RECOMMENDED POINT OF DIVERSION**
-  **RECOMMENDED PLACE OF USE**
-  **TOWNSHIP LINES**
-  **SECTION LINES**
-  **QUARTER/QUARTER LINES**
-  **LOCATION IN BASIN**
- GIS PLACE OF USE PRESENTATION**
2004 AERIAL PHOTOGRAPHY
DATA ENTRY BY KELLY K CHRISTENSEN

